

Amendments to the Drawings

The attached sheets of drawings include changes to FIGS. 1 through 12B. These sheets, which include FIGS. 1 through 12B, replace the original sheets including FIGS. 1 through 12B.

Attachment: Fifteen Replacement Sheets

REMARKS

A. Status of the Claims

1. Favorable reconsideration of this application as presently presented is respectfully requested. Claims 1, 2, 6 through 20, 22 through 28, 63 and 64 are pending. In this Amendment, claims 1, 9 through 12, 16 through 20, 22, 23 and 27 are amended, claims 63 and 64 are added, and claims 3, 5, 21, and 29 through 62 are cancelled. No new matter is added.

2. Support for new claim 63 is found in the specification on page 7, lines 1 through 16, as well as elsewhere through the specification, drawings and originally filed claims. Support for new claim 64 is found in originally filed claim 1, as well as elsewhere through the specification, drawings and originally filed claims. The amendment to the specification is to address a typographical error.

B. Priority Claim

3. Applicant thanks the Examiner for acknowledging the priority claim made under 35 U.S.C. § 119(e) to US Provisional Patent Application No. 60/311,366. Applicant notes that US Provisional Patent Application No. 60/311,366 was filed on August 13, 2001, and not August 13, 2000 as indicated in the Office Action. In addition, Applicant notes that in the first paragraph of the specification Applicant made reference to US Provisional Patent Application No. 60/169,918, as well as other applications and incorporated the teachings thereof, but did not claim priority to those applications.

C. Drawings

4. Applicant previously filed replacement drawings on November 28, 2005. Applicant submits those replacement drawings are in compliance with 37 C.F.R. §§ 1.83-1.85 and has submitted an additional copy of those replacement drawings for further consideration.

D. Examiner Interview

5. Applicant thanks the Examiner for the courtesies extended to Applicant's representative during a March 24, 2006, telephone interview in which the outstanding

rejection was discussed. Applicant's separate record of the substance of the interview is contained in the comments below.

E. Claim Rejections 35 USC § 112, second paragraph, are Obviated by the Amendment to the Claims.

6. Claims 22 and 23 are rejected under 35 U.S.C. § 112, second paragraph. The Examiner is thanked for pointing out the specific objectionable language. The claims have been amended to comply with the requirements of 35 U.S.C. § 112, second paragraph and to more distinctly define the subject matter of the present invention.

F. Anticipation Rejections

1. Rejection of Claims 1 through 3, 5, 7, 8, 10, 13, 14, 16 through 23, 25, 27, and 28 by Frank are Obviated by the Amendments to the Claims.

7. Claims 1 through 3, 5, 7, 8, 10, 13, 14, 16 through 23, 25, 27, and 28 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,291,004 to Frank, *et al.* ("Frank"). This rejection is respectfully obviated with respect to the claims as currently presented. Also this rejection is rendered moot with respect to claims 3, 5 and 21 due to the cancellation of those claims.

8. As agreed to in the Interview, claim 1 as currently amended is patentable over Frank since Frank neither teaches nor suggests the claim feature of "entering destination information about a location of a recipient of where at least one serving is to be delivered in said readied dispensing apparatus." Claims 2, 7, 8, 10, 13, 14, 16 through 20, 22, 23, 25, 27, 28 and new claim 63 depend directly or indirectly from claim 1, and, accordingly, include all of the patentable features of claim 1 as well as other patentable features. Therefore, claims 1, 2, 7, 8, 10, 13, 14, 16 through 20, 22, 23, 25, 27, 28 and new claim 63 are patentable over Frank.

2. Rejection of Claims 1 through 8, 12, and 16 through 28 by Mogadam are Obviated by the Amendments to the Claims.

11. Claims 1 through 8, 12, and 16 through 28 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,036,055 to Mogadam, *et al.* ("Mogadam"). This rejection is respectfully obviated with respect to the claims as currently presented. Also

this rejection is rendered moot with respect to claims 3, 5 and 21 due to the cancellation of those claims.

12. As agreed to in the Interview, claim 1 as currently amended is patentable over Mogadam since Mogadam neither teaches nor suggests the claim feature of “entering destination information about a location of a recipient of where at least one serving is to be delivered in said readied dispensing apparatus.” Claims 2, 3, 6 through 8, 12, and 16 through 21, 23 through 28 and new claim 63 depend directly or indirectly from claim 1, and, accordingly, include all of the patentable features of claim 1 as well as other patentable features. Therefore, claims 1 through 3, 6 through 8, 12, and 16 through 21, 23 through 28 and new claim 63 are patentable over Mogadam.

3. Rejection of Claims 1, 3, 4, 9, 11, 13, 15, 17 through 19, 23 and 28 by McDonald are Obviated by the Amendments to the Claims.

13. Claims 1, 3, 4, 9, 11, 13, 15, 17 through 19, 23 and 28 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,564,803 to McDonald, *et al.* (“McDonald”). This rejection is respectfully traversed with respect to the claims as currently presented. Also this rejection is rendered moot with respect to claim 3 due to the cancellation of those claims.

14. As agreed to in the Interview, claim 1 as currently amended is patentable over McDonald since McDonald neither teaches nor suggests the claim feature of “entering destination information about a location of a recipient of where at least one serving is to be delivered in said readied dispensing apparatus.” Claims 4, 9, 11, 13, 15, 17 through 19, 23, 28 and new claim 63 depend directly or indirectly from claim 1, and, accordingly, include all of the patentable features of claim 1 as well as other patentable features. Therefore, claims 1, 4, 9, 11, 13, 15, 17 through 19, 23, 28 and new claim 63 are patentable over McDonald.

G. Obviousness Rejections

1. Rejection of Claims 1 through 8, 11, 12, and 15 through 28 by McDonald are Obviated by the Amendments to the Claims.

15. Claims 1 through 8, 11, 12, and 15 through 28 are rejected under 35 U.S.C. §

103(a) as being unpatentable over Mogadam. As confirmed during the Examiner Interview, this rejection applies only to dependent claims 11 and 15. This rejection is respectfully obviated with respect to the claims as currently presented.

16. Dependent claims 11 and 15 depend on claim 1, and incorporated all the features of claim 1. Therefore, claims 11 and 15 are patentable over McDonald for the same reasons as discussed above with regard to claim 1.

2. **Rejection of Claims 1 through 8, 10, 13, 14, 16 through 23, 25, 27 and 28 by Frank are Obviated by the Amendments to the Claims.**

17. Claims 1 through 8, 10, 13, 14, 16 through 23, 25, 27 and 28 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Frank. As confirmed during the Examiner Interview, this rejection applies only to dependent claims 4 and 6. This rejection is respectfully obviated with respect to the claims as currently presented.

18. Dependent claims 4 and 6 depend on claim 1, and incorporated all the features of claim 1. Therefore, claims 4 and 6 are patentable over McDonald for the same reasons as discussed above with regard to claim 1.

3. **Rejection of Claims 1 through 9, 11 through 13, and 15 through 28 by Mogadam in view of Peckels are Obviated by the Amendments to the Claims.**

19. Claims 1 through 9, 11 through 13, and 15 through 28 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Mogadam in view of US Patent No. 5,255,819 to Peckels ("Peckels"). As confirmed during the Examiner Interview, this rejection applies only to dependent claim 9. This rejection is respectfully obviated with respect to the claims as currently presented.

20. Dependent claim 9 depends on claim 1, and incorporated all the features of claim 1. Therefore, claim 9 is patentable over Mogadam in view of Peckels for the same reasons as discussed above with regard to claim 1.

4. **Rejection of Claims 1 through 8, 10, 13, 14, 16 through 23, 25 through 28 by Frank in view of Peckels are Obviated by the Amendments to the Claims.**

21. Claims 1 through 8, 10, 13, 14, 16 through 23, 25 through 28 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Frank in view of Peckels. As confirmed during

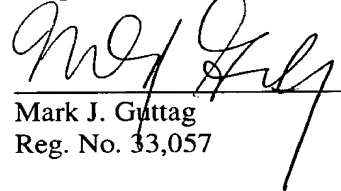
the Examiner Interview, this rejection applies only to dependent claim 26. This rejection is respectfully obviated with respect to the claims as currently presented.

22. Dependent claim 26 depends on claim 1, and incorporated all the features of claim 1. Therefore, claim 26 is patentable over Frank in view of Peckels for the same reasons as discussed above with regard to claim 1.

23. If the Examiner has any questions regarding the present amendment, please contact Keith Fredlake at 703.563.2002.

24. In view of the foregoing, it is respectfully submitted that this application is in condition for allowance, and favorable action is respectfully solicited.

Respectfully submitted,



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